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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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ADVANCED GLOBAL TECHNOLOGY,  
LLC, :  
Plaintiff, : **NOTICE OF DEFENDANT'S**  
- against - : **MOTION TO DISMISS**  
: No. 07 cv 3654 (JSR) (DCF)  
XM SATELLITE RADIO INC., : ECF CASE  
Defendant. :  
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PLEASE TAKE NOTICE that, upon the first amended complaint in this action, the accompanying memorandum of law, and all prior proceedings had in this action, the undersigned counsel for defendant XM Satellite Radio Inc. will move this Court, before the Honorable Jed S. Rakoff, United States District Judge for the Southern District of New York, at the United States Courthouse, 500 Pearl Street, New York, New York, for an Order dismissing the first amended complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). Pursuant to the Court's direction, plaintiff Advanced Global Technology LLC shall serve and file its opposition to the motion on or before December 10, 2007; defendant shall file its reply brief, if

any, on or before December 17, 2007; and oral argument shall be heard on January 4, 2008 at 11:00 a.m.

Dated: November 30, 2007

Respectfully submitted,

SKADDEN, ARPS, SLATE, MEAGHER &  
FLOM LLP

/s/ Jeffrey A. Mishkin

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